being investigated by the coroner's jury, in such a manner as to throw suspicion upon the plaintiff. Upon application, *Held*, that an interim injunction should issue restraining the defendants from referring to the plaintiff in their exhibition. *Quirk* v. *Dudley* (1902), 4 Ont. Law Rep. 532.

This is in accord with the English rule on the subject, *Hill* v. *Davies*, 21 Ch. D. 798; *Loog* v. *Bean*, 26 Ch. D. 361; *Bonnard* v. *Perryman*, 65 L. T. N. S. 506; *Monson* v. *Tussaud*, 70 L. T. N. S. 335. The case last cited involved somewhat similar facts. A wax figure of the plaintiff, who had been tried for murder and acquitted, was exhibited in the defendant's museum near the so-called chamber of horrors in such a manner as to impute the murder to the plaintiff, and the court by Mathew J., in sustaining an interim injunction restraining the exhibition, said: "A reasonable jury would and ought to find that the defendant's exhibit was disparaging and damaging to the character of the plaintiff" and in such cases the court has authority to grant injunctions. The English rule, however, is due more to the statutes (17 & 18 Vict. c. 125 sec. 79, 81, 82, which gives the court authority to grant injunctions and the Judicature Act of 1873 sec 25 sub. sec. 8, which enlarges that authority) than to the general principles of equity jurisprudence, and the courts of the United States both federal and state refuse to grant injunctions in libel and slander cases and lay down the rule that equity has no jurisdiction in such cases as the parties have an adequate remedy at law. *Francis* v *Flinn*, 118 U. S. 385; *Kidd* v. *Horry*, 28 Fed. Rep. 773; *Singer Sewing Machine Co.* v. *Domestic Co.* 49 Ga. 70, 15 Am. Rep. 674; *DeWick* v. *Dobson*, 18 N. Y. App. Div. 399. Many cases have arisen in this country where injunctions were asked by manufacturers to restrain circulars and statements to the effect that their articles were infringements upon certain patents and although to a certain extent property rights are involved here these injunctions have uniformly been refused. *Boston Diatite Co.* v. *Florence Man'f. Co.*, 114 Mass. 69, 19 Am. Rep. 310; *Flint* v. *Burner Co.*, 110 Mo. 492, 33 Am. St. Rep. 476, 19 S. W. 804. As to whether a person in an hypnotic trance would be liable for slanderous words is not discussed by the court, but the same rule would doubtless be applied here, as in the case of intoxicated persons, i. e. that it is no defense, as it would be difficult to prove that the person was entirely oblivious to what he was saying. *Reed* v. *Harper*, 25 Iowa 87, 95 Am. Dec. 774.

TELEGRAPH COMPANIES—COPYING OF MARKET QUOTATIONS—UNFAIR COMPETITION.—The Western Union Telegraph Company, in addition to its general telegraph business, is engaged, in the gathering of news relating to current events and its transmission by telegraph to subscribers. The matter so transmitted is printed on a tape by tickers in the offices of customers, and consists of a notation of racing, athletic and market quotations. It is alleged that the National Telegraph News Company, who operate a like system of wires, have been appropriating the news appearing upon the tape of the Western Union Telegraph Company, and, with the loss of only a few moments, have redistributed such news over their own wires to their own customers. In an action brought to restrain such appropriation, *Held*, that such matter is not copyrightable as literary property, but is a commercial product; that the gathering and transmission of news by telegraph will be protected from unfair competition on the principle which governs courts of equity in granting relief against the infringement of trade-marks; that plaintiff can not be said to have published such news so as to entitle a competitor to immediately copy and redistribute it. *National Telegraph News Co.* v. *Western Union Telegraph Co.* (1902), — C. C. A. —, 119 Fed. Rep. 294.

The Chicago Board of Trade contracted with the plaintiff telegraph companies to furnish them with the continuous market quotation from its exchange.

It was alleged that the defendants obtained the quotations after they were written on the blackboards of the patrons of the plaintiffs, and sold them among their own customers in competition. Plaintiffs filed a bill asking for an injunction to restrain defendants from so obtaining and distributing such quotations. *Held*, that plaintiffs have a property right in such quotations which will be protected by injunction. *Illinois Commission Co.* v. *Cleveland Telegraph Co.* (1902), — C. C. A. —, 119 Fed. Rep. 301.

The ultimate results of the few cases which have involved the question of relief against piracy of telegraphic quotations have been in accord with the above decisions, but have been based on the more doubtful reasoning of a qualified publication. In 1876, the New York courts held that "foreign financial news" is property, and that its transmission to subscribers over telegraphic printing instruments was not a general publication. *Kiernan* v. *Manhattan Quotation Telegraph Co.*, 50 How. Pr. 194. In 1895, the English courts held that there was a right of property at common law in information as to prices of stocks and shares supplied by stock tickers, which would be protected by injunction. *Exchange Telegraph Co.* v. *Gregory & Co.* (1896), 1 Q. B. 147. The privilege of copyright does not extend to the plan of imparting information. *Burnell* v. *Chown*, 69 Fed. Rep. 993. There can be no general copyright, as an entirety, of a daily newspaper. *Tribune Co.* v. *Associated Press* (1900), 116 Fed. Rep. 126. The decision of the principal cases on the ground of protection of commercial service from unfair competition, and the elimination, as immaterial, of the laws surrounding authorship, copyright and publication, has formed a precedent demanded by the new conditions of commerce.

WILLS—CONSTRUCTION—DEATH OF TESTATOR AND WIFE "AT THE SAME TIME."—The testator bequeathed his estate to his wife and made her his executrix. His will then proceeded to declare that "In case both my wife and myself should die by accident or otherwise be deprived of life at the same time," a different disposition should be made. A few months later he and his wife went to Europe, and both died there from different diseases with which both were sick at the same time, the testator dying sixteen days later than his wife. *Held*, that the testator and his wife were not deprived of life at the same time within the meaning of the will, and that there was therefore an intestacy. *Henning* v. *Maclean* (1902), 4 Ont. L. Rep. 666.

Two of the judges dissented, one saying "I think it cannot be denied that the event which has occurred is a case of both being *deprived of life*, that is, *dead*, at the same time;" and the other judge holding that the words should be construed as though they were "in case my wife does not survive me." The majority of the court, however, thought the language plain and unambiguous, and that there was therefore no room for construction or justification for making the testator say what perhaps he clearly intended to say, but clearly had not said.